

REMARKS

Claims 1, 4-9, 11, and 14-19 are pending in the application. Claims 2, 3, 10, 12, 13, and 20 have been cancelled. Claims 1, 4-9, 11, and 14-19 have been amended. Support for all amendments is found in the claims as originally filed. No new matter is added. Reconsideration of this application for allowance of all pending claims are hereby respectfully requested in view of the amendments to the claims and the following remarks.

In the Office Action, it is contended that the Information Disclosure Statement (IDS) filed on June 7, 2004, fails to comply with §1.98 because a copy of the cited Japanese patent document and/or information which caused it to be listed was not filed. This is not correct. The IDS explicitly states that the relevance of the cited Japanese document is discussed in the specification of the present application, and a date-stamped postcard shows that a copy of the reference was included with the IDS. Attached hereto for the Examiner's convenience is a copy of the IDS, the Japanese reference, and the date-stamped postcard. Applicants submit that the IDS fully complies with §1.98, and hereby request that the Examiner consider the cited Japanese reference, and initial and return the Form 1449 containing the listing of the Japanese reference.

Claims 1, 2, 10-12 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication 2002/0111559 (Kurata). This rejection is respectfully traversed, and is believed to be further overcome by the foregoing amendments to the claims. Applicants request reconsideration and allowance of the claims in view of the following arguments.

Regarding the anticipation rejection of claims 2, 10, 12 and 20, this rejection is moot, since these claims have been cancelled.

Regarding the anticipation rejection of independent claims 1 and 11, claim 1 has been amended to include all the limitations of dependent claim 3, which was indicated to contain

allowable subject matter. Likewise, claim 11 has been amended to include all the limitations of claim 13, which was also indicated to contain allowable subject matter. Claims 3 and 13 have consequently been cancelled. Thus, amended independent claims 1 and 11 contain allowable subject matter, and are allowable. Applicants note that the phrase “wherein the data processing component estimates the value indicating visceral fat area by using the product of an Xth power of the height value and a Yth power of the fat mass value, where each of X and Y is a number other than zero” has been deleted from amended claims 1 and 11, because it is redundant in view of the new recitation added to claims 1 and 11; *i.e.*, “wherein the data processing component estimates the value indicating visceral fat area by using a parameter expressed as Ht^2/FM , where Ht is the value indicating height and FM is the value indicating fat mass.”

Consequently, amended claims 1 and 11 are patentable.

Regarding dependent claims 4, 6, 8, 14, 16 and 18, which were objected to as being dependent on a rejected base claim, these claims have been rewritten in independent form including all the limitations of their base claims 1 and 11, respectively.

Consequently, claims 4, 6, 8, 14, 16, and 18 are patentable.

Regarding dependent claims 5, 7, 9, 15, 17, and 19, which were objected to as being dependent on a rejected base claim, these claims are patentable because their base claims 1 and 11 are patentable. They have been amended to depend from claims 1 and 11, respectively, since intervening claims 3 and 13 have been cancelled, as explained hereinabove.

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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